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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,557	03/07/2002	Zachariah Scott	11283/37	9067
30636	7590	12/14/2004	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			NGUYEN, CINDY	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/091,557

Applicant(s)

SCOTT, ZACHARIAH

Examiner

Cindy Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

This is in response to application filed on 03/07/02 in which claims 1-23 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 6-13, 16-20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Graham (US 20030055826).

Regarding claims 1, 9, 17 and 19, Graham discloses: a method, a system, a machine readable medium and an apparatus for managing a device, comprising: receiving a request for a database operation (page 3, 0033, Graham); and mapping the request to at least one command for a non-database operation ( client ID, name, IP address, database name, instance, ..., page 4, 0038, Graham).

Regarding claims 2 and 10, all the limitations of these claims have been noted in the rejection of claims 1 and 9 above, respectively. In addition, Graham discloses: wherein the request for a database operation is received from a database driver (JDBC, page 4, 0039, Graham).

Regarding claims 3 and 11, all the limitations of these claims have been noted in the rejection of claims 2 and 10 above, respectively. In addition, Graham discloses: wherein the database driver is one of a JDBC driver and an ODBC driver (JDBC, page 4, 0039, Graham).

Art Unit: 2161

Regarding claims 4, 12 and 18, all the limitations of these claims have been noted in the rejection of claims 1, 9 and 17 above, respectively. In addition, Graham discloses: further including executing at least one command (page 4, 0038, Graham).

Regarding claims 5 and 13, all the limitations of these claims have been noted in the rejection of claims 4 and 12 above, respectively. In addition, Graham discloses: wherein the executing at least one command includes making a system call via a device API (page 4, 0042, Graham).

Regarding claims 8 and 16, all the limitations of these claims have been noted in the rejection of claims 1 and 9 above, respectively. In addition, Graham discloses: wherein the request for a database operation is an sql query (page 3, 0033, Graham).

As per claim 20, all the limitations of this claim have been noted in the rejection of claims 1 and 2. It is therefore rejected as set forth above.

As per claim 22, all the limitations of this claim have been noted in the rejection of claims 1, 2 and 3. It is therefore rejected as set forth above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 14, 15, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (US 20030055826) in view of Carpenter (US 6199068).

Regarding claims 6 and 14, all the limitations of these claims have been noted in the rejection of claims 4 and 12 above, respectively. However, Graham didn't disclose: wherein

Art Unit: 2161

the execution of the at least one command includes making a remote procedure call. On the other hand, Carpenter discloses: wherein the execution of the at least one command includes making a remote procedure call (col. 19, lines 16-19, Carpenter). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the execution of the at least one command includes making a remote procedure call in the system of Graham as taught by Carpenter. The motivation being to enable the system provides a remote procedure call that facilitates the client-server communication so that applications can effectively access resources distributed across a network (col. 11, lines 24-36, Carpenter).

Regarding claims 7, 15, 21 and 23, all the limitations of these claims have been noted in the rejection of claims 1, 9, 20 and 22 above, respectively. In addition, Graham/Carpenter discloses: wherein the non-database operation includes **at least one** of adding a static route, installing a software component, adding a user to the access control list, adding a filter to the logging utility, performing a reboot, **sleeping**, changing a password, triggering an alarm, locking-out a specific user account, starting/stopping/restarting a specific software component, removing an authentication account, removing a static route, removing an installed software component, getting a list of users that are currently logged in, getting all static route entries, and getting currently running software components (col. 20, lines 46-49, Carpenter).


Art Unit: 2161


**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Cindy Nguyen  
December 3, 2004

  
FRANTZ COBY  
PRIMARY EXAMINER